

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 5/28/2019 7:38:13 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Tyler, Tom [Tyler.Tom@epa.gov]; Malloy, Ruth [malloy.ruth@epa.gov]
Subject: FW: SEPW TA on TRI - next draft
Attachments: Technical_Assistance_PFAS_Legislation_4_29_2019.2_TRIPD.2CB_DST v2 CLEAN.docx

Flag: Flag for follow up

Hi. Below are OPPT's suggested responses (in red) to Michal Freedhoff's follow-up questions on the TRI PFAS TA. The OPPT

team would like to have a short follow-up call to close the loop on this. Please let me know if OCSPP IO has any questions or comments on these responses. They would like to set up the call for later this week. Attached for reference is the TA we submitted. Ruth, please print for the read folders and others too. Thanks.

M

1. I looked at the CBI-PFAS SNURs. They do not as clearly communicate hazard/risk as the C-8 SNURs do. Instead, some of them seem to be about an absence of information, while others refer to the 5(e) consent orders that may themselves talk about hazard/risk but I haven't checked those. Could you please identify any of the SNURs on that tab of the spreadsheet that seem like they should be referenced in the bill because there is sufficient information about the chemicals that were SNUR'd that would make TRI reporting warranted?
 - a. No risk determination is required to issue a SNUR. Risk determinations do, however, come into play when EPA considers any SNUN that might be submitted for any SNUR'd chemical. Generally, chemicals are subject to a SNUR if there's a concern in terms of its hazard/risk; there may not have been data available when the action occurred, but there was a concern involving potential hazard/risk that was a factor in issuing the SNUR.
2. Relatedly, we talked about whether there is a need to direct EPA to develop guidance to address the way TRI will treat the CBI reporting question (ie how it will substantiate, withhold CBI, timeframes, etc). Let us know what your thoughts are.

Deliberative Process / Ex. 5

3. We also talked about whether there is a need to add direction for EPA to decide whether to add the PFAS for which there are 537.1 validated methodologies that are not otherwise captured by the bill text to TRI. We'd likely put this in subsection (c). We have not cross-referenced the SNUR'd list of PFAS with the current 537.1 list, and nor do we know which PFAS are likely to be added to 537.1 prior to UCMR 5, nor which PFAS in 537.1 are degradants (if any). We'd appreciate some help figuring out if this is a useful addition, or if all the 537.1 PFAS are already contemplated in the bill.

Deliberative Process / Ex. 5

4.

Deliberative Process / Ex. 5

Hans Scheifele

Special Assistant
Office of Pollution Prevention and Toxics
William Jefferson Clinton Building - East, MC7401M
Washington DC 20460
202.564.3122 (office) | Scheifele.hans@epa.gov

From: Hanley, Mary**Sent:** Tuesday, May 28, 2019 12:44 PM**To:** Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>**Subject:** FW: SEPW TA on TRI - next draft

Hi. Just checking on the status of this since it was one of the items Sven raised in the Senior Leaders meeting today. Thanks.

From: Kaiser, Sven-Erik**Sent:** Friday, May 10, 2019 5:12 PM**To:** Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>**Subject:** SEPW TA on TRI - next draft

TRI team – thanks for the call this morning. Attached is revised text and some questions. As the requester notes – the attached draft is going to the legislative counsel office (last step before introduction) and they expect to have the bill introduced in time for the May 22 legislative hearing. Please let me know how you would like to respond – whether prefer by call or in writing. Thanks again,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>**Sent:** Friday, May 10, 2019 10:15 AM**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>**Cc:** Cone, Travis (Capito) <Travis_Cone@capito.senate.gov>; Memmott, Justin (EPW) <Justin_Memmott@epw.senate.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>**Subject:** TRI - next draft

Sven

Thanks again. Attached a cleaned-up draft. I think this version is likely ready for leg counsel. Here are three remaining policy/drafting questions for you that do not need addressing prior to bill introduction (but if you have quick answers, that too is great).

1. I looked at the CBI-PFAS SNURs. They do not as clearly communicate hazard/risk as the C-8 SNURS do. Instead, some of them seem to be about an absence of information, while others refer to the 5(e) consent orders that may themselves talk about hazard/risk but I haven't checked those. Could you please identify any of the SNURS on that tab of the spreadsheet that seem like they should be referenced in the bill because there is sufficient information about the chemicals that were SNURd that would make TRI reporting warranted?
2. Relatedly, we talked about whether there is a need to direct EPA to develop guidance to address the way TRI will treat the CBI reporting question (ie how it will substantiate, withhold CBI, timeframes, etc). Let us know what your thoughts are.
3. We also talked about whether there is a need to add direction for EPA to decide whether to add the PFAS for which there are 537.1 validated methodologies that are not otherwise captured by the bill text to TRI. We'd likely put this in subsection (c). We have not cross-referenced the SNUR'd list of PFAS with the current 537.1 list, and nor do we know which PFAS are likely to be added to 537.1 prior to UCMR 5, nor which PFAS in 537.1 are degradants (if any). We'd appreciate some help figuring out if this is a useful addition, or if all the 537.1 PFAS are already contemplated in the bill.

Have a great weekend

Michal